



MEETING MINUTES

October 21, 2013

COMMISSION ON DISABILITY

Meeting Minutes

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Members Present

Rob Caruso, Co-Chair
Girard Plante, Co-chair
Jane Brown
Rosemary Larking
Barbara Lischinsky
John Lojek
Jini Fairley
Lucie Chansky

Setti D. Warren
Mayor

Candace Havens
Director, Planning &
Development

Alice Walkup
Senior Planner
Community Development

Anne Marie Belrose
CD Manager

Staff Present

Joel Reider, ADA Coordinator
Alice Walkup, Senior Planner, Community Development
Sergeant Jay Babcock, Newton Police Department

Guests

Sandra Lingley
Cathy Schneider
Cornelia Cain-Heard
Robert Heard

Members

Rob Caruso, Co-Chair
Girard Plante, Co-Chair
Jane Brown
Lucie Chansky
Jini Fairley
Rosemary Larking
John Lojek
Barbara Lischinsky

MEETING:

Rob Caruso called the meeting to order at 6:30 PM

1. Minutes

In reviewing the minutes of the previous meeting, September 9, 2013, Lucie C. asked that item #13 be corrected to %Woodward and Boylston+instead of %Woodland.+Rosemary Larking moved to approve the minutes as amended; Jane B. seconded the motion. Motion passes unanimously.

2. ADA Coordinator Report

Joel R. gave a summary of his activities since the last COD meeting. He attended an ADA Coordinator training session organized by Massachusetts Office on Disability (MOD) and hosted by the town of Medford. He also participated in MOD's two-day Community Access Monitor training in Haverhill. Both of these workshops were valuable opportunities to meet people engaged with promoting and enforcing access for

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Staff

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persons with disabilities, develop a better understanding of the responsibilities of the position of ADA Coordinator and to gather more resources to help with effectively meeting the challenges of the job.

Joel noted that an official ADA Grievance Procedure is now posted on the City of Newton web site, on the home page of the Commission on Disability. This public notice is one of the basic requirements of ADA, and has not previously been done. He invites members of the Commission to review the procedure and offer suggestions if anyone feels it can be improved. Lucie C. asked if this is the same Grievance Procedure for complaints related to Section 504 of the Federal Rehabilitation Act. Joel answered that the procedure is the same, and that he will amend the title of the web page accordingly.

Joel noted that he had the TTY phone # omitted from the standard City of Newton accessibility notice which appears on announcements, agendas and at the bottom of each page of the City's web site. TTY technology is nearing obsolescence, the TTY phone in City Hall is not plugged in, it's not clear that all staff are trained to use it, and most importantly, many hearing impaired people are now accustomed to using their own device (TTY phone, smart phone, computer, tablet, etc) in conjunction with the Telecommunication Relay Service (TRS) by dialing 711 before any regular telephone #. Instead of the previously publicized TTY #, the City's accessibility notice now includes a message to use 711 for TRS.

Rosemary L. asked if Joel's time at these trainings was paid. John L. answered that, yes, any time Joel spends at these kinds of training, networking and support activities are essential to his job and are logged as paid hours. This is time invested in doing the work of ISD, which is also in the interest of the COD.

Joel updated the Commission on the progress of work to develop an ADA Transition Plan for the City. He explained the need to have a comprehensive Self-Evaluation before the City can develop a plan. The Self-Evaluation is comprised of detailed studies, or audits, of all City services, facilities and public spaces, including City buildings w/ public access, schools, parks and playgrounds and public rights of way. Considering previous studies, including a 1996 audit of City schools, an audit of public-facing City buildings as part of the CIP in 2012, and an ongoing partial audit of City parks and playgrounds, and a planned audit of Village Center pedestrian access to be coordinated with Pedestrian Coordinator Alicia Bowman, Joel estimates this Self-Evaluation process to be 60% complete. He explained his goal of completing an inventory of all City properties that remain to be audited so that a professional accessibility consulting firm can be hired to complete this Self-Evaluation process.

Girard P. asked that pedestrian access criteria, given to Alicia Bowman for surveying Village Center rights of way, be distributed to the members of the COD for review.

John L. pointed out that eventually all of this accessibility data can be incorporated in GIS (Geographic Information Systems) technology to create dynamic map-based databases to record accessibility status throughout the City. He may invite Doug Greenfield (?) to discuss GIS with COD at a future meeting.

Rosemary asked about property that is private but within a public area (such as a private playground in a public park). Joel answered that the public park would be reviewed as part of the City's Self-Evaluation and ultimately be made to comply with ADA via the City's Transition Plan; if the private playground within the park is open to the public, it is considered a public accommodation and is subject to Title III of ADA. As such, it must be made accessible, but as it is not City property (Title II of ADA) it would not be included in the Self-Evaluation or Transition Plan.

Joel briefed the Commission on discussions he has had with Deborah Guthermann of West Newton Hearing Center and Peggy Elertsen of Hearing Loss Association of America about possibly installing an Audio Induction Loop in the War Memorial. This is an assistive listening technology that allows hearing aid users to use their personal appliance to receive audio signals without having to borrow portable headsets. Alice Walkup has participated in these discussions as ongoing efforts to improve accessibility @ the War Memorial present a real opportunity to incorporate this specific technology.

Joel and Alice have also met with Dr. Joe Rizzo, a physician at Massachusetts Eye and Ear Infirmary, and a developer of software that enables blind and visually impaired people to navigate independently. He has approached us to propose that the City of Newton partner with him to deploy prototypes of his technology in one of the Village Centers. This would involve developing some infrastructure, but would mainly depend on stand-alone technology that users would access through a smart phone or similar device. He would like to present his ideas to the COD to gauge the level of interest and try to generate support, and he plans to attend the December meeting.

3. CDBG Report

Alice Walkup gave updates on:

- **Education Center—Accessible Building Directory Sign**

Planning staff met with Carol Chafetz, Director of Operations and Environmental Affairs for schools. She explained that there is a need for an accessible, changeable-information building directory sign, but that with the use of the interactive intercom system needed to gain entry to the building, it's possible that directional information can be accessed verbally. She is

investigating accessibility needs throughout the Education Center and funds for this sign may eventually be reprogrammed for other use.

John asks why we are discussing allocation of CDBG funds instead of paying for this kind of project with funds from School Dept. budget.

Lucie: elevator access is not good; automatic door openers do not work, packages obstruct accessible route.

~ **Curb Cuts** Comm Ave/Washington are completed; APS units have been installed.

Barbara L: crosswalk striping does not align with the curb cut. Girard: same issue on Centre St. near Sacred Heart.

~ **Jackson Homestead** Board of Aldermen approved \$40,000 for Accessibility, Fire-Suppression project. Access ramp is to be completed ASAP.

• **Newton Ctr. Playground Pathway** Design should be complete soon, presented to Conservation Commission and shared with COD next month.

~ **War Memorial Vertical and Acoustical Access Feasibility and Design** Architect has completed the study. Determined that the best location for an elevator is in the lobby of the War Memorial. Very high water table presents some considerable engineering obstacles.

Rob: City Hall is built on what used to be Bullough's pond; the water table is high everywhere under the building.

Alice: Public Buildings is working on application for public funds to pay for construction; Alice W. will draft a letter in support of that application for review at the next COD meeting. Ongoing study about how to best incorporate acoustical improvements in construction.

~ **Lasell College**

Alice W. addressed Girard P's concern about status of accessibility improvements at Woodland House, Lasell College. Alice said she contacted project architect, Dan Eldredge, who explained that the project is being completed in two phases: the first phase, completed this past summer, addressed accessibility concerns @ the interior of the building and included replacement of dorm room door hinges with offset hinges, and the installation of an elevator. Phase two, scheduled for summer of 2014, focuses on the exterior of the building and will include making improvements to the entrance. This work involves grading the land to allow access and the installation of a lift from the entrance level to the first floor. If desired, we can invite some of the project staff to a future COD meeting to give a detailed update.

4. HP4-13

Cornelia Cain-Heard explained her disability and her request for an HP space in front of her home at 80 West St. She realizes there are existing HP spaces on her street, but because she can't walk far they are not accessible to her. She has a cervical problem which restricts her head motion; there are obstructions to visibility (stone wall, bushes) which together with cars parked in the space in front of her house make it unsafe for her to enter the road.

Rosemary asks about overnight parking. John asks how far the nearest existing HP space is (6 houses).

Girard asks if it is safe for Cornelia C-H to drive with her cervical neck pain. She answers that it varies from day to day. She can manage with her mirrors.

Lucie moves to support the application. Jane B. seconds, passes unanimously.

Rob: COD will make its recommendation to Traffic Dept. to grant this request.

After Ms. Cain-Heard leaves, there is a discussion about the issue of invading people's privacy by inquiring into nature of their disabilities and in this case, the safety of someone operating a motor vehicle. Some feel it is not the COD's job to decide if someone can safely operate a car; others feel it is compounding safety problems by enabling a driver with limited capability to drive safely.

Sgt. Babcock explains the procedure for authorizing HP placard which includes certification by a physician and possibly an interview by the RMV. John L. expresses the concern many have about disabled drivers' ability to safely operate a car. However, he points out, that is the RMV's responsibility, not the COD's.

(7:43 PM John Lojek leaves to attend Mayor's CIP meeting)

5. Jini Fairley and Cathy Schneider: Pedestrian Safety @ Beacon and Center St.

Very frustrated the Bill Paille failed to attend this meeting. They both cite a range of safety concerns at this newly reconfigured intersection including no APS, no crossing signal controls @ the SE corner (before reaching the island), no indication @ crossing signal controls of which crossing each button controls. Mainly they emphasize the danger for pedestrians crossing Center St. on the south side of the intersection. They suggest possibly implementing a red left-turn arrow, but the consensus is that the new parallel-crossing system is not workable, and that the former all-stop configuration should be restored.

Rosemary, Jini, Barbara have all witnessed cars nearly hitting pedestrians in the crosswalks at this intersection.

Jini: this is one of the biggest intersections in the City. It is very frustrating that it is taking so long to correct these obvious problems.

Sgt. Babcock explains (in Bill Paille's absence) some of the history behind work at this intersection: work began before B. Paille began working for the City; MassWork did this project originally, so the City got this work done for free. After the work was completed, Bill P. on behalf of the City has been trying to get MassWork to correct all of these obvious problems. As of now, the City has not yet signed off on the project, and there are a number of punchlist items the City is waiting for MassWorks to correct. Bill P. has suggested that if MassWork does not solve the problem quickly, the City should do the work and bill the State.

Jini: is the consensus to revert to an all-stop configuration?

Babcock: yes, that is my impression. Babcock emphasizes he is not making excuses for Bill P., just explaining that the process is ongoing. He also notes that drivers are not the only ones at fault; there are often pedestrians who jay-walk and otherwise impede safety at this (and other City) intersections. Apparently MassWorks re-installed old equipment rather than use new (buttons to control crosswalk lights).

Jini: It has been so long (months) that these problems have persisted. Does the Commission need to draft a letter to the Mayor? Rob C: yes. COD will deliver a letter requesting this situation be investigated and any safety deficiencies be amended ASAP.

Lucie: asks about crosswalk signal at Parker Street bridge. Sgt Babcock offers to email Bill P. to investigate.

6. 40 Chase St. Amended Decision

Joel read (summarized) from the MAAB's decision and amended decision to grant some and deny others of the numerous variances applied for.

Decision of the Board, September 12, 2013

GRANT:

- a) lack of accessible route to basement level laundry, on condition that an accessible first-floor laundry will be provided.
- b) lack of access to second-floor porch deck on condition that no there are no house activities held on the second-floor deck that cannot occur on the first-floor deck.
- c) lack of accessible entrances @ two existing entrances on condition that accessible entrance is provided as proposed, and that petitioners submit plans regarding the need to create another accessible means of egress via the use of an exterior area of rescue assistance.

d) lack of compliance @ Stair B, on condition that compliant wall-mounted handrails are provided.

e) lack of compliant handrails at both sides of Stair A, on condition that compliant wall-mounted handrails are provided.

REQUIRE:

Petitioners submit a dimensional drawing of the lift, showing that the platform for the side-entry-front-exit lift would be usable

CONTINUE:

Discussion regarding variances sought which relate to lack of access at second and third floors.

Amended Decision of the Board, October 16, 2013

GRANT:

a) lack of vertical access to third floor, provided there will be access into the building and up to the second floor, per Interior Lift Plan B

b) variances for second and third floor bathrooms, for all but one of the bathrooms at the second floor. Petitioners may request additional variances if dimensional requirements for accessible second floor bathroom cannot be strictly met.

DENY:

a) lack of compliant countertops for first floor kitchen

b) lack of accessibility at second floor kitchen

Lucie C: will the building be occupied before these conditions have been fulfilled.

John L: No. Architect must document compliance.

7. 35 Webster St.

Rob: when will Donald Lang be able to meet with the COD?

Joel: November meeting (?). He wants to emphasize that the Phase II variances will not be heard by MAAB until after the New Year, so there is ample time for the COD to review the case.

For now, MAAB has reviewed the Phase I variance application. Joel reminds that the Phase I variances are to enable an on-site caretaker to occupy the premises while construction work is ongoing, but prior to opening the facility to the public.

GRANT:

Lack of accessible route, entrances, public toilet room and stairs, on condition that the first floor is accessible and a compliant toilet room is provided prior to opening the building for public use. In addition, the Board voted to allow the

use of the second floor on the condition that an accommodation plan is in place ensuring that any services offered on the second floor are available on the first floor and that in phase 2 of the project a full service, EMT compliant 5 stop elevator is installed.

8. HP Violations Report

Sgt Babcock reports for the period July 1, 2013-October 18, 2013:

- 51 curb cut violations (22 paid = \$4,400; 29 unpaid = \$5,800). Total = \$10,200.
- 120 handicap parking violations (70 paid = \$14,000; 50 unpaid = \$10,000). Total = \$24,000.
- Total = \$34,200 (if all paid)
- Outstanding fines = \$15,800
- HP Placard misuse: 15 citations @ \$500/ea (5 appeals lost; 10 appeals won)

Intend to do a sting in early November.

9. Letters of Re-appointment

Joel will get letters for Barbara and Jini from Anna Gonzalez

10. Mayor's Meeting/HP Violations Projects

Girard: we tried to discuss opening the COD account, but the discussion veered off into comparing CIP accessibility projects (millions) with COD funds (nickels and dimes).

Barbara, and members are indignant that money has not yet been deposited in COD account.

Rob: Maureen keeps promising to provide list of projects, but has not yet delivered. Rob did finally receive a list of accessibility projects completed by City, but it was all CDBG funded projects (already approved by COD).

Girard: it has been 14 months since COD was supposed to have its own funds deposited. Mayor was originally supportive but his tone has changed. Legal department supports this claim. Jason Rosenberg is working with Rob and Girard to revise the plan to emulate Waltham's system which is to allocate all funds collected from HP fines to COD. Alternatively, Cambridge COD receives an operating budget from the City of \$150,000, plus ~\$60,000 to run the COD.

Rob: unbelievable turnaround in Mayor's attitude.

Lucie: commission should formally complain and send a letter.

Barbara proposes sit-in at the next COD leadership meeting with the Mayor.

11. New/Old Business:

Jini notes the Bill Paille/Traffic Engineering has striped some important crosswalks. However she notes there are sections of Center St. with huge areas missing sidewalk.

Rob: Has Pearl/Jackson been finished?

Alice: may not happen this season. Will ask Bill P. Will also inquire about Center Street construction, and check that crosswalks align with curb cuts.

Alice mentions the Village Views feature on the City web site that includes listings of construction projects. Joel offered to email the link to everyone.

Joel reminds COD about the New England ADA Field-Based training and asked if anyone wants to submit the application. Rob asked for the application; Joel will resend.

Meeting Adjourned at 9:00 PM